

COMMUNITY WATER COALITION

SUGGESTED REVISIONS TO CWAC'S RECOMMENDATIONS TO WATER POLICY

The Community Water Coalition has a number of concerns related to the CWAC's list of recommendations for Proposed Refinements to the City's water policy. We believe the adopted water policy is a sound foundation for guiding water service. It balances economic, social, and environmental needs to ensure a secure and healthy future for Tucson.

The amendments suggested do not fully recognize that the current water policy is working in many respects. For example, the number of service requests for water during this time frame (166 as reported in the recent public hearings), resulted in only five denials by the Staff Review Committee. This is only 3 percent of the requests in total, which illustrates sound implementation and careful consideration of water service requirements. Since the policy is working, we do not see the need to expand it in a dramatic manner.

Our suggestions on the nine proposed revisions fall into three groups as noted below:

Approve Recommendations:

1. **Streamline Annexation Process**—Speeding up the annexation process is workable as long as steps are not skipped that would be a part of the regular annexation review. All provisions of the regular annexation review process should be retained and so input from other parties can take place.
6. **Retract Expansion Area in Southeast**—Tucson's water supply is finite, and a tradeoff of this nature would recognize that additional water will be needed for grandfathering and other proposed redefinitions that will require more water.

Approve Recommendations with Revision:

Three recommendations allow for service extension next to existing water infrastructure. However, they do not recognize that once qualifying projects are completed, other property adjacent to them may inadvertently be eligible for water service. Clarification is important.

2. **Clarify 20 Acre Threshold for Defining Infill**—The net acreage proposal makes sense as long as it does not promote more infill outside the service boundary. Recommendation—Add this Revision: *Allowing infill on a qualifying parcel cannot create eligibility for an adjacent parcel previously ineligible for infill.*
3. **Increase Infill Size for Commercial Developments**—Increasing the threshold for commercial infill from 20 to 50 acres is problematic when using water use as the sole criterion. The impacts of 50 acres of commercially developed land are very different than those for residential development. However, if approved, it should be made clear that allowing infill on a qualifying parcel cannot create eligibility for an adjacent parcel previously ineligible for infill. Recommendation—Add this Revision: *Allowing infill on a qualifying parcel cannot create eligibility for an adjacent parcel previously ineligible for infill.*
5. **Grandfather Rights**—It is our understanding that substantial infrastructure refers to water service. Generally, we support this change, but the Council should consider the implications related to adjacent property, and any land set aside for open space or parks that should not be eligible for the grandfathering provision. Recommendation: Add this Revision: *An expanded boundary, based on a grandfather permit, does not entitle another adjacent property to qualify as an infill.*

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Add: *A study will be completed by Tucson Water with a report back to the Council within 60 days to analyze the water demand from these actions compared with the water withdrawn as a tradeoff in the southeast service area.*

In three cases, we believe modification will accomplish the key objectives.

4. **Clarify Infill Criteria**—Making clear that infill criteria are only applied in the yellow (non-expansion) areas is reasonable. However, we believe the addition of the “economic development exemption” language is an issue. Recommendation: *The current language of “clear and substantial benefit,” should be retained.*
7. **Modify Review Board Process**—We do not believe the modifications are necessary or prudent, with the exception of allowing a presentation of the case in person by the applicant to the Review Committee. This change ensures greater transparency. It is relevant to note the Review Committee actually reversed 10 requests that were denied by Tucson Water (out of the 166 that were mentioned above). The Review Board is operating smoothly. Therefore, there is no basis, other than transparency for the applicant, to modify this process. Decisions should be based on the water policy, and we do not believe it is necessary to bring appeals to the Mayor and Council. Recommendation: *Approve the second proposal—allowing the applicant to attend the Review Committee as well as interested stakeholders and members of the public.*
9. **Wheeling Agreements**—Wheeling agreements can be beneficial. However, it is very important that wheeling agreements not be used to circumvent the intent of the water policy and decisions by the Mayor and Council. The policy defines a clear service area. It does not encourage the unregulated use of water outside the designated growth areas or the established service boundaries. Recommendation: Add this Revision: *Wheeling agreements will not be used to circumvent the intent of the water policy.*

Do Not Approve as Presented:

8. **Review of Appeals for Economic Development Exemption**—We do not support this change unless it can be demonstrated that the “City’s Primary Jobs Incentive Program” will not violate the spirit of the adopted water policy. Bringing clean business to Tucson is very important, and we strongly support the goal, but it should not be the driving force when it likely represents only a selective number of properties across the city. Recommendation: *Do not add to policy as drafted, but simply include under the “economic” category of the approved Council’s guidelines.*